

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CHRISTOPHER D. SHURLAND,	)	
individually and as the representative	)	
of a class of similarly-situated persons,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 08 cv 2259
	)	
BACCI CAFÉ & PIZZERIA ON OGDEN	)	Judge Pallmeyer
INC., and DOES 1-10,	)	
	)	Mag. Judge Brown
Defendants.	)	

**NOTICE OF MOTION**

TO: Brian J. Wanca	Phillip A. Bock
Ryan M. Kelly	Bock & Hatch LLC
Anderson & Wanca	134 N. LaSalle Street, Suite 1000
3701 Algonquin Road, Suite 760	Chicago, IL 60602
Rolling Meadows, IL 60008	

**PLEASE TAKE NOTICE THAT on May 1, 2008, at 8:45 a.m.,** we shall appear before the **Honorable Judge Pallmeyer** in **Room 2119**, at 219 South Dearborn Street in Chicago, Illinois, and present to the United States District Court of the Northern District of Illinois, Eastern Division, the attached **BACCI CAFÉ & PIZZERIA ON OGDEN INC.'S MOTION TO DISMISS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)** a copy which is hereby served upon you.

By: /s/ Darren P. Grady  
Attorneys for **BACCI CAFÉ & PIZZERIA ON  
OGDEN INC.**  
**SMITH AMUNDSEN, LLC**  
150 North Michigan Avenue, Suite 3300  
Chicago, Illinois 60601  
(312) 894-3200  
ARDC No.: 6289608

Dated: April 28, 2008

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 28<sup>th</sup> day of April 2008, he served a **Notice of Motion** and the Defendant, Bacci Café & Pizzeria on Ogden Inc.'s **Motion to Dismiss Pursuant to Federal Rule Civil Procedure 12(b)(6)** on:

Brian J. Wanca  
Ryan M. Kelly  
Anderson & Wanca  
3701 Algonquin Road, Suite 760  
Rolling Meadows, IL 60008

Phillip A. Bock  
Diab & Bock, LLL  
20 N. Wacker Drive  
Suite 1741  
Chicago, IL 60606

These pleadings were served upon the attorneys as listed above, pursuant to the Northern District of Illinois General Order on Electronic Case Filing.

[x] Pursuant to 28 USC Section 1746(2),  
I certify under penalty of perjury that  
the foregoing is true and correct.  
Executed on: April 28, 2008

/s/ Darren P. Grady

Eric L. Samore, ARDC # 6181345  
Molly A. Arranz, ARDC # 6281122  
Darren P. Grady, ARDC#6289608  
SMITH AMUNDSEN LLC  
150 N. Michigan Avenue, Suite 3300  
Chicago, Illinois 60601  
(312) 894-3200  
COUNSEL FOR JOHN TOMASSONE